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Box / sep

Practitioner's Docket No. 701826-050018-CIP

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Guy Leclerc and Rémi Martel  
 Title: RADIOLABELED DNA CARRIER, METHOD OF PREPARATION AND THERAPEUTIC USES THEREOF  
 Serial No.: Not yet assigned Examiner: Not yet assigned  
 (Continuation-in-Part of US Serial No. 09/318,106)  
 Filing Date: Herewith Group: Not yet assigned  
 (Filed on 24 May 1999)

Preliminary Classification: 536

Proposed Class:

Subclass:

NOTE: "All applicants are requested to include a preliminary classification on newly filed patent applications. The preliminary classification, preferably class and subclass designations, should be identified in the upper right-hand corner of the letter of transmittal accompanying the application papers, for example 'Proposed Class 2, subclass 129.'" M.P.E.P. Section 601, 7th ed.

## CERTIFICATE OF MAILING

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. EL565095425US in an envelope addressed to Box Patent Application, Assistant Commissioner of Patents, Washington, D.C. 20231.

Date: 2 February 2001

Nicole M. Gignac

Box Patent Application  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

## 1. Type of Application

This new application is for a

(check one applicable item below)

- ☐ Original (nonprovisional)  
☐ Design  
☐ Plant  
☐ Divisional.  
☐ Continuation.  
☒ Continuation-in-part (C-I-P).

02/02/01  
 1025 U.S. PTO

1025 U.S. PTO  
 09/775479  
 02/02/01

02/02/01  
 1025 U.S. PTO

Inventors: Guy Leclerc and Rémi Martel

Title: RADIO LABELLED DNA CARRIER, METHOD OF PREPARATION AND THERAPEUTIC USES THEREOF

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**2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)**

- ☒ The new application being transmitted claims the benefit of prior U.S. applications. Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATIONS IS CLAIMED.

**3. Papers Enclosed**

**A. Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application**

29 Pages of Specification

5 Pages of Claims

13 Sheets of Drawing

*(complete the following, if applicable)*

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
- ☐ Formal
- ☐ Informal

**B. Other Papers Enclosed**

1 Pages of declaration and power of attorney

1 Pages of Abstract

5 Other – Sequence Listing

**4. Additional Papers Enclosed**

- ☐ Amendment to claims
- ☐ Cancel in this applications claims \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☒ Preliminary Amendment (including version with markings to show changes)
- ☒ Information Disclosure Statement (37 C.F.R. Section 1.98)
- ☒ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☒ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence; sequence listing requirement and statement under 1.82(f).
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other

Inventors: Guy Leclerc and Rémi Martel

Title: RADIO LABELED DNA CARRIER, METHOD OF PREPARATION AND THERAPEUTIC USES THEREOF

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Not yet assigned

(Filed on 24 May 1999)

**5. Declaration or Oath (including power of attorney)**

☒ Enclosed

Executed by Guy Leclerc and Rémi Martel

*(check all applicable boxes)*

☒ inventors.

☐ legal representative of inventor(s). 37 C.F.R. Section 1.42 or 1.43.

☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ This is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached. See item 13 below for fee.

☐ Not Enclosed.

☐ Application is made by a person authorized under 37 C.F.R. 1.41 on behalf of *all* the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 C.F.R. Section 1.16(e), can be filed subsequently).*

☐ Showing that the filing is authorized.  
*(not required unless called into question. 37 C.F.R. Section 1.41(d))*

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

☒ The same.

or

☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

**7. Language**

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. Section 1.52(d).

Inventors: Guy Leclerc and René Martel

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## 8. Assignment

☒ An assignment of the invention is concurrently being filed under separate cover to addressed to Box Assignment, Assistant Commissioner for Patents, Washington D.C. 20231.

## 9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. no.	Filed
Country	Appln. no.	Filed
Country	Appln. no.	Filed

from which priority is claimed

☐ is (are) attached.

☐ will follow.

## 10. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED						
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$710.00	
Total Claims (37 C.F.R. Section 1.16(c))	26	- 20 =	6 x	\$18.00	\$108.00	
Independent Claims (37 C.F.R. Section 1.16(b))	3	- 3 =	0 x	\$80.00	\$0.00	
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))						
		+		\$270.00		

Inventors: Guy Leclerc and Rémy Martel

Title: RADIOIMMUNOASSAYED DNA CARRIER, METHOD OF PREPARATION AND THERAPEUTIC USES THEREOF

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(Filed on 24 May 1999)

- ☐ Amendment cancelling extra claims is enclosed.  
☐ Amendment deleting multiple-dependencies is enclosed.  
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$ 818.00

- B. ☐ Design application  
(\$320.00--37 C.F.R. Section 1.16(f))

Filing Fee Calculation \$ \_\_\_\_\_

- C. ☐ Plant application  
(\$490.00--37 C.F.R. Section 1.16(g))

Filing Fee Calculation \$ \_\_\_\_\_

#### 11. Small Entity Statement(s)

- ☒ Statement that this is a filing by a small entity under 37 C.F.R. Section 1.9 and 1.27 is attached.

*(complete the following, if applicable)*

- ☐ Status as a small entity was claimed in prior application  
\_\_\_\_\_/\_\_\_\_\_, filed on \_\_\_\_\_ from which benefit is being  
claimed for this application under:

35 U.S.C. Section ☐ 119(e),  
☐ 120,  
☐ 121,  
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above) \$ 409.00

#### 12. Request for International-Type Search (37 C.F.R. Section 1.104(d))

*(complete, if applicable)*

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

Inventors: Guy Leclerc and Rémi Martel

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Filing Date: Herewith Group: Not yet assigned  
(Filed on 24 May 1999)

**13. Fee Payment Being Made at This Time**

☐ Not Enclosed

☐ No filing fee is to be paid at this time.  
*(This and the surcharge required by 37 C.F.R. Section 1.16(e) can be paid subsequently.)*

☒ Enclosed

☒ Filing fee \$ 409.00

☐ One-month extension fee pursuant to Section 1.136(a). \$ \_\_\_\_\_

☐ Recording assignment  
(\$40.00; 37 C.F.R. Section 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION.") \$ \_\_\_\_\_

☐ Petition fee for filing by other  
than all the inventors or person  
on behalf of the inventor where  
inventor refused to sign or cannot  
be reached  
(\$130.00; 37 C.F.R. Sections 1.47 and 1.17(i))\$

☐ For processing an application with a  
specification in a non-English language  
(\$130.00; 37 C.F.R. Sections 1.52(d) and 1.17(k))\$

☐ Processing and retention fee  
(\$130.00; 37 C.F.R. Sections 1.53(d) and 1.21(l))\$

☐ Fee for international-type search report  
(\$40.00; 37 C.F.R. Section 1.21(e)) \$

Total Fees Enclosed \$ 409.00

**14. Method of Payment of Fees**

☒ Check in the amount of \$ 409.00.

Inventors: Guy Leclerc and Rémi Martel

Title: RADIOIMMUNOLOGICAL DNA CARRIER, METHOD OF PREPARATION AND THERAPEUTIC USES THEREOF

Serial No.: Not yet assigned

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Not yet assigned

Filing Date:

Herewith

Group:

Not yet assigned

(Filed on 24 May 1999)

☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

**15. Authorization to Charge Additional Fees**

☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-0850.

☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)

☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)

☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 C.F.R. Section 1.17(a)(1)-(5) (one-month extension fee pursuant to Section 1.136(a).

☐ 37 C.F.R. Section 1.17 (application processing fees)

☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

**16. Instructions as to Overpayment**

☒ Credit Account No. 50-0850.

☐ Refund

Date: February 2, 2001

Reg. No. 34,235

Tel. No.: (617) 345-1000, X6057

Customer No.:

  
**SIGNATURE OF PRACTITIONER**

David S. Resnick

(type or print name of practitioner)

**NIXON PEABODY LLP**

101 Federal Street

Boston, MA 02110

P.O. Address

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**[X] Incorporation by reference of added pages**

*(check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED)*

**[X] Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed**

Number of pages added 5

**[ ] Plus Added Pages for Papers Referred to in Item 4 Above**

Number of pages added \_\_\_\_\_

**[ ] Plus added pages deleting names of inventor(s) named on prior application(s) who is/are no longer inventor(s) of the subject matter claimed in this application.**

Number of pages added \_\_\_\_\_

**[ ] Plus "Assignment Cover Letter Accompanying New Application"**

Number of pages added \_\_\_\_\_

**[ ] Statement Where No Further Pages Added**

*(if no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item)*

**[ ] This transmittal ends with this page.**



02105/01 A  
Box/SEP

Practitioner's Docket No. 701826-050018-CIP

PATENT

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USES THEREOF  
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(Filed on 24 May 1999)

JC986 U.S. PTO  
09/775479  
02/02/01

Box Patent Application  
Assistant Commissioner for Patents  
Washington D.C. 20231

EXPRESS MAIL CERTIFICATE

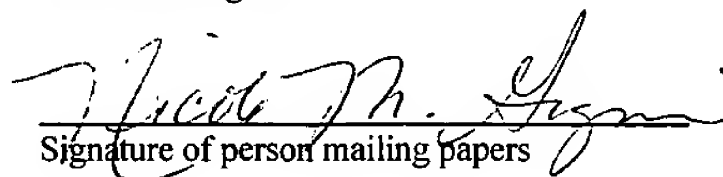
"Express Mail" Label Number EL565095425US  
Date of Deposit 2 February 2001

I hereby state that the following *attached* papers:

1. New Application Transmittal (8 pgs);
2. Added Pages for Application Transmittal Where Benefit of Prior U.S. Applications Claimed (5 pgs);
3. Continued-in-Part Application (53 pgs): Specification (29 pgs); Claims (5 pgs); Drawings (13 pgs); Abstract (1 pg) and Sequence Listing (5 pgs);
4. Preliminary Amendment (including Version with Markings to Show Changes) (3 pgs);
5. Information Disclosure Statement (2 pgs);
6. Form PTO 1449 (2 pgs);
7. Sequence Listing Requirement (1 pg);
8. Statement Under 1.821(f) (1 pg);
9. Computer Readable Disk of Sequence Listing (1 disk);
10. Paper Readable Copy of Sequence Listing (5 pgs);
11. Combined Declaration for Patent Application and Power of Attorney (1 pg);
12. Verified Statement (Declaration) Claiming Small Entity Status [37 C.F.R. 1.9(f) and 1.27(c)] - Small Business/Non-Profit Organization (1 pg);
13. Copy of Petition and Fee for Extension of Time (37 C.F.R. Section 1.136(a)) (2 pgs);
14. Check in the Amount of \$409.00;
15. Return Receipt Postcard.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Box Patent Application, Assistant Commissioner for Patents, Washington D.C. 20231.

Nicole M. Gignac

  
Signature of person mailing papers

Practitioner's Docket No. 701826-050018-CIP

PATENT

JC986 U.S. PTO  
09/775479  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, on the date shown below, is being deposited with the United States Postal Service with sufficient postage as Express Mail Label No. EL565095425US in an envelope addressed to Box Patent Application, Assistant Commissioner of Patents, Washington D.C. 20231.

Date: 2 February 2001

*Nicole M. Gignac*  
Nicole M. Gignac

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT OF  
PRIOR U.S. APPLICATIONS CLAIMED**

**17. Relate Back**

*(complete the following, if applicable)*

☐ Amend the specification by inserting, before the first line, the following sentence:

**A. 35 U.S.C. Section 119(e)**

☐ "This application claims the benefit of U.S. Provisional Application(s) No(s).:

**APPLICATION NO(S):**

**FILING DATE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**B. 35 U.S.C. Sections 120, 121 and 365(c)**

☐ "This application is a

☐ continuation

☐ continuation-in-part

☐ divisional

of copending applications

☐ application number \_\_\_\_\_ filed on \_\_\_\_\_.

☐ International Application \_\_\_\_\_ filed on \_\_\_\_\_ and which designated the U.S.

☐ application number \_\_\_\_\_ filed on \_\_\_\_\_.

☐ "The nonprovisional application designated above, namely application \_\_\_\_\_/\_\_\_\_\_, filed \_\_\_\_\_, claims the benefit of U.S. Provisional Application(s) No(s).:

**APPLICATION NOS.:**

**FILING DATE**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ Where more than one reference is made above please combine all references into one sentence.

**18. Relate Back—35 U.S.C. Section 119 Priority Claim for Prior Application**

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17B, in turn itself claim(s) foreign priority(ies) as follows:

Country	Appln. no.	Filed
The certified copy(ies) has (have)		

☐ been filed on \_\_\_\_\_, in prior application 0 / \_\_\_\_\_, which was filed on \_\_\_\_\_.

☐ is (are) attached.

(Added Pages for Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed--Page 2 of 5)

Inventors: Guy Leclerc and Rémi Martel  
Title: RADIOLABELED DNA CARRIER, METHOD OF PREPARATION AND THERAPEUTIC USES  
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Filing Date: Herewith Group: Not yet assigned  
(Filed on 24 May 1999)

**19. Maintenance of Copendency of Prior Application**

**A. ☒ Extension of time in prior application**

*(This item must be completed and the papers filed in the prior application, if the period set in the prior application has run.)*

☒ A petition, fee and response extends the term in the pending **prior** application until 3 February 2001.

☒ A **copy** of the petition filed in prior application is attached.

**B. ☐ Conditional Petition for Extension of Time in Prior Application**

*(complete this item, if previous item not applicable)*

☐ A conditional petition for extension of time is being filed in the pending **prior** application.

☐ A **copy** of the conditional petition filed in the prior application is attached.

**20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed**

*(complete applicable item (a), (b) and/or (c) below)*

(a) ☐ This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are

☐ the same.

☐ less than those named in the prior application. It is requested that the following inventor(s) identified for the prior application be deleted:

---

*(type name(s) of inventor(s) to be deleted)*

(b) ☐ This application discloses and claims additional disclosure by amendment and a new declaration or oath is being filed. With respect to the prior application, the inventor(s) in this application are

☐ the same.

☐ the following additional inventor(s) have been added:

---

*(type name(s) of inventor(s) to be deleted)*

Inventors: Guy Leclerc and Rémi Martel  
Title: RADIOLABELED DNA CARRIER, METHOD OF PREPARATION AND THERAPEUTIC USES  
THEREOF  
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Filing Date: Herewith Group: Not yet assigned  
(Filed on 24 May 1999)

(c) ☐ The inventorship for all the claims in this application are

☐ the same.

☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made

☐ is submitted.

☐ will be submitted.

**21. Abandonment of Prior Application (if applicable)**

☒ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

*NOTE: According to the Notice of May 13, 1983 (103, TMOG 6-7), the filing of a continuation or continuation-in-part application is a proper response with respect to a petition for extension of time or a petition to revive and should include the express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application.*

**22. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment**

*(check the next item, if applicable)*

☐ There is provided herewith a Petition To Suspend Prosecution for the Time Necessary to File An Amendment (New Application Filed Concurrently)

**23. Small Entity (37 C.F.R. Section 1.28(a))**

☐ Applicant has established small entity status by the filing of a statement in parent application / \_\_\_\_\_ on \_\_\_\_\_.

☐ A copy of the statement previously filed is included.

☒ is attached hereto.

Inventors: Guy Leclerc and Rémi Martel  
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#### 24. NOTIFICATION IN PARENT APPLICATION OF THIS FILING

☐ A notification of the filing of this  
(check one of the following)

☐ continuation

☐ continuation-in-part

☐ divisional

is being filed in the parent application, from which this application claims priority under 35 U.S.C. Section 120.

Date: February 2, 2001



**SIGNATURE OF PRACTITIONER**

Reg. No. 34,235

David S. Resnick

(type or print name of practitioner)

Tel. No.: (617) 345-1000, X6057

**NIXON PEABODY LLP**

101 Federal Street

Boston, MA 02110

P.O. Address

Customer No.: